

**SEVENTEENTH DAY**  
(Wednesday, February 7, 1973)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Creighton.

A quorum was announced present.

The Reverend Joe Cochran of Westminster Presbyterian Church, Austin, Texas, offered the invocation as follows:

Almighty God, who has committed to us the swift and solemn trust of life, since we know not what a day may bring forth, but only that the hour for serving you and our fellowmen is always present, grant to these decision-makers this day clarity of mind, and steadfastness of purpose, so that the concern of justice and compassion may be established in our midst according to your will. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Creighton was granted leave of absence for today on account of important business on motion of Senator Herring.

**REPORTS OF STANDING COMMITTEES**

Senator Mauzy submitted the following report for the Committee on Education:

Nomination of Dr. J. W. Edgar, Commissioner, Texas Education Agency.

Senator Aikin offered the following report for the Committee on Finance:

S.B. 5

Senator Herring submitted the following reports for the Committee on Jurisprudence:

Nomination of Charles G. Shandera, Member, Board of Pardons and Paroles.

S.C.R. 25 (Amended)

C.S.S.C.R. 24 (Read first time)

S.C.R. 16

S.C.R. 23 (Amended)

**SENATE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

By Senator Traeger:

S.B. 187, A bill to be entitled An Act relating to the creation of mutual aid law enforcement task forces by agreement between counties or municipalities, amending Chapter 81, Page 201, Acts of the Sixty-first Legislature, Regular Session, 1969 (Article 999b, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Moore:

S.B. 188, A bill to be entitled An Act amending Subchapter B, Chapter 86, Title 3, Texas Education Code, so as to add a new Section 86.24 authorizing the Board of Directors of The Texas A and M University System to levy and collect from each student compulsory group hospital fees at Texas A and M University; and declaring an emergency, etc.

To Committee on State Affairs.

By Senator Sherman:

S.B. 189, A bill to be entitled An Act relating to certain educational requirements for license renewal; adding Section 4.01A, Texas Optometry Act (Article 4552-1.01, et seq., Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Education.

By Senator Snelson:

S.B. 190, A bill to be entitled An Act repealing Section 3A, Chapter 280, Acts of the 53rd Legislature, 1953 (Article 6701d-1, Vernon's Texas Civil Statutes), relating to the standing of children in school buses; and declaring an emergency.

To Committee on Education.

By Senator Mengden:

S.B. 191, A bill to be entitled An Act providing that the Texas Railroad Commission henceforth shall not issue any permit to authorize the drilling of an oil or gas well in this State unless such permit include provisions that no gas produced from the well to be permitted shall be sold or contracted for sale for ultimate use outside of the State of Texas unless and until the Railroad Commission shall find that neither certain health-care facilities, public and private schools, State and other public facilities, nor any resident of Texas requires said gas as fuel to meet needs for heat and electricity; providing that the Railroad Commission shall not assign a production allowable to any oil or gas well unless such be made subject to the previously enumerated terms and conditions; further providing for the granting of exceptions to the provisions hereof upon a finding by the Railroad Commission that enforcement of such provisions would cause physical waste or unreasonably deny to the lessee an opportunity economically to produce hydrocarbons from the well in question; providing for the severability; repealing all laws and parts of laws in conflict herewith; and declaring an emergency.

To Committee on Natural Resources.

By Senator Gammage:

S.B. 192, A bill to be entitled An Act relating to student services for which fees may be assessed at institutions of higher education; amending Subsection (a), Section 54.503, Texas Education Code; and declaring an emergency.

To Committee on Education.

By Senator Hightower:

S.B. 193, A bill to be entitled An Act relating to absentee voting in elections; enacting provisions permitting any permanently disabled voter to file a certificate of permanent disability with the registrar of voters in lieu of

having to submit a certificate of disability with each application for an absentee ballot; containing penal provisions; amending Section 37, Texas Election Code (Article 5.05, Vernon's Texas Election Code), by adding Subdivision 2d; and declaring an emergency.

To Committee on State Affairs.

By Senator Hightower:

S.B. 194, A bill to be entitled An Act relating to the maximum term of years a person convicted of a crime may be assessed; amending Title 1, Penal Code of Texas, 1925, as amended, by adding Article 48a; and declaring an emergency.

To Committee on Jurisprudence.

By Senators Hightower and Mauzy:

S.B. 195, A bill to be entitled An Act declaring the policy of this state and the purpose of this Act to safeguard the air resources of the state from pollution; providing for tax exemption; authorizing each city, town, village, county, and conservation district, including each river authority, to acquire, construct, and improve or cause to be acquired, constructed, and improved air control facilities; acquire interests in land and enter into leases or other contracts with persons whereby such persons shall use and/or acquire such air control facilities; authorizing each to issue, sell, and deliver revenue bonds to provide funds for such purposes; prescribing the terms of such bonds; providing for such bonds to be issued in one or more series; authorizing the issuer to fix and from time to time revise payments under leases and other contracts for use or acquisition of the facilities of the issuer; making provisions in the event of default or threatened default in the payment of such bonds; providing that such bonds shall be special obligations of the issuer; authorizing the refunding of such bonds; authorizing the securing of such bonds by trust indentures; providing for the approval of such bonds and leases or other contracts by the attorney general; making such bonds, leases, and other contracts incontestable; providing that such bonds shall be legal investments and eligible to secure public deposits; providing for surety and performance bonds and other matters pertaining to letting of contracts; providing for certification by Texas Air Control Board; providing that this law shall be cumulative of existing laws; providing for severability; making other provisions in the premises; and declaring an emergency.

To Committee on Natural Resources.

By Senator Hightower:

S.B. 196, A bill to be entitled An Act prohibiting the driver of a vehicle from following within a certain distance behind an ambulance on an emergency call or otherwise interfering with an ambulance on an emergency call; amending Section 100, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on State Affairs.

By Senators Wolff, Meier, Clower, Santiesteban, Brooks, Hightower, Traeger, Longoria, Mauzy, Schwartz, Kothmann and Aikin:

S.C.R. 31, Requesting Congress to release school district funds authorized by Congress but impounded by President Nixon.

To Committee on Education.

#### MESSAGE FROM THE HOUSE

Hall of the House of Representatives  
Austin, Texas, February 7, 1973

Honorable W. P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 11, A bill to be entitled An Act relating to the fiscal year of public school districts and the date of filing of the annual audit report with the Central Education Agency; amending Subchapter H, Chapter 21, Texas Education Code, by adding Section 21.257; amending Subsection (d), Section 21.256, Texas Education Code; and declaring an emergency.

H.B. 129, A bill to be entitled An Act relating to the compensation of the stenographers, assistants, and investigators of the district attorney of the 69th Judicial District; amending Section 3, Chapter 449, Acts of the 62nd Legislature, Regular Session, 1971 (Article 326k-66, Vernon's Texas Civil Statutes); and declaring an emergency.

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

#### **BILL AND RESOLUTION SIGNED**

The President announced the signing by the President in the presence of the Senate after the caption had been read the following enrolled bill and resolution:

H.B. 183  
H.C.R. 21

#### **CO-AUTHOR OF SENATE BILL 153**

On motion of Senator Harris and by unanimous consent, Senators Moore and Hightower will be shown as Co-authors of S.B. 153.

#### **HOUSE BILLS ON FIRST READING**

The following bills received from the House, were read the first time and referred to the Committee indicated:

H.B. 82, To Committee on Intergovernmental Relations.  
H.B. 92, To Committee on Education.  
H.B. 120, To Committee on Jurisprudence.  
H.B. 66, To Committee on Intergovernmental Relations.  
H.B. 11, To Committee on Education.  
H.B. 129, To Committee on Intergovernmental Relations.

#### **MESSAGES FROM GOVERNOR**

The following Messages from the Governor were read and referred to the Committee indicated:

Austin, Texas  
February 6, 1973

#### **TO THE SENATE OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Adjutant General of the State of Texas: For a term to run

concurrent with the Governor of Texas: The Honorable Thomas Bishop, of Austin, Travis County, Texas, to replace The Honorable Ross Ayers, of Austin, Travis County, Texas, who resigned.

Respectfully submitted,  
DOLPH BRISCOE  
Governor of Texas

To Committee on State Affairs.

Austin, Texas  
February 6, 1973

**TO THE SENATE OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of the Texas Water Rights Commission: For a six-year term to expire February 1, 1979: Mr. Joe D. Carter, of Austin, Travis County, Texas for reappointment.

Respectfully submitted,  
DOLPH BRISCOE  
Governor of Texas

To Committee on Natural Resources.

**SENATE BILL 112 ON SECOND READING**

Senator Herring moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that S.B. 112 be placed on its second reading and passage to engrossment.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Mengden.

Absent-excused: Creighton.

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S.B. 112, A bill to be entitled An Act relating to contributions and benefits for certain firemen; etc.; and declaring an emergency.

The bill was read the second time.

Senator Herring offered the following Committee Amendment to the bill:

Amend Section 1(c) of S.B. 112, at the end thereof, by changing the period to a comma, removing the quotation mark, and adding the following:

"excluding overtime pay and any temporary pay in higher classification."

The Committee Amendment was read and was adopted.

Senator Herring offered the following Committee Amendment to the bill:

Amend Section 2(a) of S.B. 112, at the end of line 3 on page 2, by adding after the word "payroll" the following:

"excluding overtime pay and any temporary pay in higher classification."

The Committee Amendment was read and was adopted.

Senator Herring offered the following Committee Amendment to the bill:

Amend Section 2(a) of S.B. 112 after the word "salary", on line 7, page 2, by removing the period and adding the following:

"excluding overtime pay and any temporary pay in higher classification."

The Committee Amendment was read and was adopted.

On motion of Senator Herring and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was then passed to engrossment.

#### **SENATE BILL 112 ON THIRD READING**

Senator Herring moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 112 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Jones and Mengden.

Absent-excused: Creighton.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Creighton.

#### **SENATE BILL 6 ON SECOND READING**

Senator Schwartz moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that S.B. 6 be placed on its second reading and passage to engrossment.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Clower, Mengden and Patman.

Absent-excused: Creighton.

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S.B. 6, A bill to be entitled An Act relating to the creation of a tax credit for penalties paid for delinquent taxes following the failure of the assessor-collector to issue tax notices before the due date; and declaring an emergency.

The bill was read the second time.

Senator Schwartz offered the following Committee Amendment to the bill:

Amend Section 2, Senate Bill No. 6, by striking the first paragraph and substituting therefor the following:

"Sec. 2. When determining the amount of the tax due for a tax year within two years immediately following the tax year for which the assessor-collector failed to issue timely notice, the assessor-collector shall allow a tax credit equal to the amount of the penalty assessed, provided that:"

The Committee Amendment was read and was adopted.

Senator Schwartz offered the following Committee Amendment to the bill:

Amend S.B. 6, by striking Section 3 thereof and substituting in lieu thereof the following new Section 3:

"Sec. 3. This act does not apply to any penalties accruing on taxes which became delinquent after January 31, 1973 or prior to January 31, 1970."

The Committee Amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was then passed to engrossment.

### RECORD OF VOTE

Senator Mengden asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

### SENATE BILL 6 ON THIRD READING

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and the S.B. 6 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Clower, Jones, Mengden and Patman.

Absent-excused: Creighton.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Clower, Mengden and Patman.

Absent-excused: Creighton.

#### SENATE BILL 12 ON SECOND READING

Senator Brooks moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that S.B. 12 be placed on its second reading and passage to engrossment.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Mengden.

Absent-excused: Creighton.

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S.B. 12, A bill to be entitled An Act creating Harris County Youth Village Independent School District; etc.; and declaring an emergency.

The bill was read the second time.

Senator Brooks offered the following amendment to the bill:

Amend S.B. 12 by striking the first sentence of Section 5(a) and substituting in lieu thereof the following:

"Sec. 5 (a) The school district shall be eligible for financial assistance under the Foundation School Program on the same basis as other public school districts except adjusted for a 12 month operation and provided that the local fund assignment shall be charged to Harris County."



The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was then passed to engrossment.

### **SENATE BILL 12 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 12 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Jones and Mengden.

Absent-excused: Creighton.

The President then laid the bill before the Senate on its third reading and final passage.

Senator Aikin offered the following amendment to the bill:

Amend Brooks amendment by striking out the words "charged to" and insert in lieu thereof the words "paid by".

The amendment was read and was adopted.

The bill as amended was read third time and was passed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Creighton.

### **NOTICE OF EXECUTIVE SESSION**

Senator McKinnon gave notice that he would move for an Executive Session of the Senate at 11:30 o'clock a.m. tomorrow.

### **SENATE BILL 51 ON SECOND READING**

Senator Mauzy moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that S.B. 51 be placed on its second reading and passage to engrossment.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria,

Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Mengden.

Absent-excused: Creighton.

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S.B. 51, A bill to be entitled An Act creating County Criminal Court No. 4 of Dallas County, Texas, etc.; and declaring an emergency.

The bill was read the second time.

Senator Mauzy offered the following Committee Amendment to the bill:

Amend Section 7 of S.B. 51, page 3, to read as follows:

"Section 7. The judge of the County Criminal Court, Number 4, of Dallas County, Texas shall execute a bond and take the oath of office as required by the law relating to county judges."

The Committee Amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was then passed to engrossment.

#### SENATE BILL 51 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 51 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Mengden.

Absent-excused: Creighton.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Creighton.

**MOTION REGARDING EXECUTIVE SESSION**

On motion of Senator McKinnon and by unanimous consent, the nomination of Dr. J. W. Edgar was added to those to be considered at the Executive Session tomorrow.

**MEMORIAL RESOLUTION**

S.R. 93 - By Senator Blanchard: Memorial resolution for Dr. Clifford Bartlett Jones.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

S.C.R. 30 - By Senator Gammage: Extending congratulations to George Foreman.

S.R. 90 - By Senator Kothmann: Extending congratulations to sponsors of Texas Trade Fair.

S.R. 91 - By Senator McKinnon: Extending congratulations to Freddie Martinez.

S.R. 92 - By Senator Clower: Extending welcome to Barath Rengarajan.

S.R. 94 - By Senators McKnight and Aikin: Extending congratulations to East Texas State University football team.

S.R. 95 - By Senators Schwartz, Herring and Santiesteban: Extending congratulations to The Right Reverend Monsignor Bernard J. Ganter.

**RECESS**

On motion of Senator Aikin the Senate at 11:35 o'clock a.m. took recess until 10:30 o'clock a.m. tomorrow.

**SEVENTEENTH DAY**

(Continued)  
(Thursday, February 8, 1973)

**After Recess**

The Senate met at 10:30 o'clock a.m., and was called to order by Senator Aikin.

The Reverend Joe Cochran of Westminster Presbyterian Church, Austin, offered the invocation as follows:

O God, whom we have learned to call our Father, grant to these servants of yours and ours along with the gifts of eloquence and persuasion the gift of discernment, so that as they engage in the ministries of speaking and listening, they may be able to separate things trivial from things important, and by their choice here in this place do your work on earth both for your honor and our common good. Amen.